

**GUAM ENVIRONMENTAL PROTECTION AGENCY
AIR AND LAND DIVISION
AIR POLLUTION CONTROL PROGRAM
P.O. Box 22439 GMF
Barrigada, Guam 96921**

TITLE V PERMIT TO OPERATE

Permit Number: FO-002
Issue Date: **DRAFT**
Expiration Date: **DRAFT**

In accordance with the provisions of Title V of the Clean Air Act (CAA) and the Guam Air Pollution Control Standards and Regulations (GAPCSR), Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49,

Guam Power Authority
Cabras Power Generating Facility
Piti, Guam

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the United States Environmental Protection Agency (USEPA) and citizens under the CAA. The issuance of this permit is based on the plans, specifications, and additional information submitted as part of the application dated January 13, 2004.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

Acceptance of this permit constitutes an agreement and acknowledgement that the holder will comply with all the rules and regulations of the Guam Environmental Protection Agency (GEPA) and these permit conditions.

This permit, (a) does not in any manner affect the title of the premises upon which the equipment is located, (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment, and (c) in no manner implies or suggests that GEPA, or its officers, agents, or employees assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

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This permit is valid for a period of five (5) years and shall expire at midnight on the date specified above unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

Date

Lorilee T. Crisostomo
Administrator
Guam EPA

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CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CEM	Continuous Emission Monitoring
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CPAICS	Cabras-Piti Area Intermittent Control Strategy
FITR	Fuel Injection Timing Retard
GAPCSR	Guam Air Pollution Control Standards and Regulations
GCA	Guam Code Annotated
GEPA	Guam Environmental Protection Agency
hr	hour
lb	pound
MMBtu	Million British thermal units
MW	Megawatt
NAAQS	National Ambient Air Quality Standard
NO _x	Nitrogen Oxides
PM	Particulate Matter
PM ₁₀	Particulate matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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I. Source Identification

Facility Name: Guam Power Authority - Cabras
Facility Location: Route 11, Cabras Island
City: Piti
Territory: Guam
USEPA Region: 9
SIC Code: 4911

Responsible Official: Joaquin C. Flores, P.E.
Phone Number: (671) 648-3202

Facility Manager/Contact: Andriano E. Balajadia
Phone Number: (671) 648-3204

Person Responsible for Recordkeeping: Sylvia L. Ipanag
Phone Number: (671) 648-3217

Description of Process:

Guam Power Authority Cabras facility is a diesel engine power generating plant. The operation of this facility is to help alleviate load shedding on the island during outages of other power generating facilities. Activities that have the potential to cause significant emissions of air pollutants are two 66 megawatt (MW) steam-electric generators, two 40 MW diesel engine electric generators, four 420,000 gallon vertical fixed roof RFO #6 storage tanks, a 50,000 gallon vertical fixed roof diesel fuel storage tank, a 50,000 gallon vertical fixed roof waste oil tank, two 32,200 gallon vertical fixed roof service tanks, and an 800 kW diesel standby generator. Other insignificant emission sources include a 400 gallon waste oil tank, four 2,650 lube oil tank, a 320 gallon diesel oil tank, and two 32,200 gallon service tanks.

II. Facility-wide and Unit Specific Permit Conditions

II.A. Equipment Description

II.A.1 This permit encompasses the following equipment and associated appurtenances that are considered significant sources of emissions. [GAPCSR, Section 1104.12(12)]

Emission Unit ID	Description	Manufacturer	Model	Serial Number
Cabras #1	66 MW heavy oil-fired boiler	Babcock & Wilcox	El Paso Rb-500	Nb-123758
	Steam turbine	General Electric	Tandem Compound	197622
Cabras #2	66 MW heavy oil-fired boiler	Babcock & Wilcox	El Paso Rb-500	Nb-123759
	Steam turbine	General Electric	Tandem Compound	197623
DEG-3	40 MW low speed diesel engine	Babcock & Wilcox	12K80MC-S	B93247
DEG-4	40 MW low speed diesel engine	Babcock & Wilcox	12K80MC-S	B94309
FODT1-HS	420,000 gallon vertical fixed roof, RFO #6 storage tank			
FODT2-LS	420,000 gallon vertical fixed roof, RFO #6 storage tank			
FODT3-HS	420,000 gallon vertical fixed roof, RFO #6 storage tank			
FODT4-LS	420,000 gallon vertical fixed roof, RFO #6 storage tank			
DFST	50,000 gallon vertical fixed roof, diesel fuel storage tank			
WOT	50,000 gallon vertical fixed roof, waste oil tank			
STDBYG	800 kW diesel standby generator	Mitsubishi	S12A2-Y1PTA-1	137444-0107

II.A.2 The permittee shall have installed an identification tag or nameplate on each piece of equipment that identifies the model number, serial number, and manufacturer. The identification tag or nameplate shall be permanently attached to the equipment at a conspicuous location. [Section 49107(7)(B) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

II.B. Emission Limits

II.B.1 Fuel Burning Equipment (Units Boiler 1, Boiler 2, DEG-3, DEG-4, and STDBYG)

II.B.1.a For fuel burning equipment with a heat input greater than one (1) million British thermal units per hour (MMBtu/hr) but less than 1,000 MMBtu/hr, the allowable particulate emissions shall be calculated using the following equation [State Implementation Plan (SIP), Section 7.5]:

$$Y = 1.02 X^{-0.231}$$

Where: Y = Allowable particulate emission rate (lb/MMBtu)
 X = Operating rate (MMBtu/hr)

II.B.2 Diesel-Electric Generators (Units DEG-3 and DEG-4)

II.B.2.a The permittee shall not discharge or cause the discharge into the atmosphere the following pollutants in excess of the specified limits from each of the diesel-electric generators (Units DEG-3 and DEG-4) based on 100 percent load, averaged over a three hour period:

Pollutant	Emission Limit
Particulate matter less than 10 microns (PM ₁₀)	93 pounds per hour (lb/hr)
Carbon monoxide (CO)	110 lb/hr
Nitrogen oxides (NO _x)	950 parts per million (ppm) at 15% oxygen
	1,219 lb/hr
Volatile organic compounds (VOC)	96 lb/hr
Sulfur dioxide (SO ₂)	737 lb/hr

[USEPA PSD Permit GU 93-01, Conditions X.E, X.F, X.G, X.H, and X.I, Issued May 16, 1996; GEPA Permit GPA-696, Conditions 8 and 9, Issued June 18, 1998; GAPCSR, Section 1103.3; SIP, Section 10.1]

II.B.2.b The permittee shall not cause or permit the continuous emission of visible air pollutants with a density equal to or darker than twenty (20) percent opacity from any emission unit for any period or periods aggregating more than six minutes in any one hour, except during periods of startup and shutdown when opacity may not exceed sixty (60) percent. [USEPA PSD Permit GU 93-01, Condition X.F, Issued May 16, 1996; GEPA Permit GPA-696, Condition 11, Issued June 18, 1998; GAPCSR, Section 1103.3]

II.B.2.c The USEPA may set a new lower allowable emission rate for the emission limits in this permit after reviewing the performance test results as required by this permit. If an emission limit is revised, the difference between the emission limit set forth in this permit and a revised lower emission limit shall not be allowed as an emission offset for future construction or modification. [USEPA PSD Permit GU 93-01, Conditions X.E, X.F, X.G, X.H, and X.I, Issued May 16, 1996]

II.B.2.d Subsequent to full scale operation of Unit DEG-4, the permittee shall conduct an optimization study of the fuel injection timing retard (FITR) and water emulsification systems. The study shall consist of varying the degree of FITR (if possible) and the percentage of water in the total fuel mix to determine the optimal NO_x removal efficiency, taking into account impacts on fuel efficiency and on SO₂ and CO emission rates. The USEPA may set a new lower allowable emission rate for the above emission limits after completion of the study and after reviewing the performance test results or the initial NO_x monitoring data as required by this permit. [USEPA PSD Permit GU 93-01, Condition X.G, Issued May 16, 1996]

II.C. Work Practice and Operational Requirements

II.C.1 All equipment, facilities, and systems installed or used to achieve compliance with terms and conditions of this permit shall at all times, including periods of startup, shutdown and malfunction, be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions. The permittee shall conduct proper preventative maintenance procedures for the significant sources of emissions listed in Condition II.A.1 of this permit, in accordance with the manufacturer's recommendations. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to GEPA, which may include, but is not limited to: monitoring results, review of operating and maintenance procedures and inspection of the source. [USEPA PSD Permit GU 93-01, Condition III, Issued May 16, 1996; GAPCSR, Section 1104.12(12); GEPA Permit GPA-696, Conditions 19 and 25, Issued June 18, 1998]

II.C.2 Adequate control measures approved by GEPA shall be implemented to prevent exceedences of any applicable ambient air quality standards during the operation of the facility. [GEPA Permit GPA-696, Condition 7, Issued June 18, 1998]

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II.C.3 The permittee shall continuously operate and maintain the following air pollution controls to minimize NO_x emissions from the diesel-electric generators (Units DEG-3 and DEG-4). Controls listed shall be fully operational upon startup of the proposed equipment and, prior to optimization testing, shall be operated at the following rates:

II.C.3.a FITR of 2 degrees (or equivalent); and

II.C.3.b Water/fuel emulsification at an injection rate of not less than 33% water in the total water/fuel mixture by volume.

Upon completion of the optimization test, EPA may set a new degree of FITR or a new percentage of water in the total water/fuel mixture. [USEPA PSD Permit GU93-01, Condition X.B, Issued May 16, 1996; GEPA Permit GPA-696, Condition 12, Issued June 18, 1998]

II.C.4 The water-to-fuel injection ratio shall be no less than 1:1 (weight water to weight fuel) prior to performance testing. The actual ratio established during performance testing shall be used after initial performance testing. [GEPA Permit GPA-696, Condition 13, Issued June 18, 1998]

II.C.5 The sulfur content in fuel oil used at the facility shall not exceed 2.0 percent by weight during periods when the wind is blowing off-shore and 1.19 percent when the wind is blowing on-shore. Off-shore and on-shore wind directions are defined in the protocol for fuel switching titled *Cabras-Piti Area Intermittent Control Strategy* and referenced in 40 CFR 69.11(a)(3)(i). [USEPA PSD Permit GU 93-01, Condition X.D.1, Issued May 16, 1996; GEPA Permit GPA-696, Condition 14, Issued June 18, 1998]

II.C.6 The fuel oil used in the diesel standby generator (Unit STDBYG) shall not exceed 0.5% sulfur content by weight. [GAPCSR, Section 1103.10]

II.C.7 The permittee shall adhere to the requirements set forth in the “Cabras-Piti Area Intermittent Control Strategy, Island-Wide Power System, Cabras-Piti Complex (Fuel Switching Protocol)” issued by USEPA on July 2, 1993 with modification and reissuance data August 15, 1997. These requirements are incorporated by reference and must be adhered to as a condition of this permit. [GEPA Permit GPA-696, Condition 3, Issued June 18, 1998]

II.C.8 The permittee shall not operate the diesel-electric generators (Units DEG-3 and DEG-4) below 50 percent of rated load except for during period of startup, shutdown, testing or maintenance. [USEPA PSD Permit GU 93-01, Condition X.D.3, Issued May 16, 1996]

II.C.9 The permittee shall not cause or permit visible fugitive dust to become airborne without taking reasonable precautions. Examples of reasonable precautions are [GAPCSR, Section 1103.4(a); SIP, Sections 8.1, 8.4, and 8.7]:

II.C.9.a Use of water or suitable chemicals for control of fugitive dust in the demolition of existing buildings or structures, construction and retrofitting operations, the grading of roads, or the clearing of land;

II.C.9.b Application of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which may allow release of fugitive dust;

II.C.9.c Installation of appurtenances that provide an enclosure and ventilation for all crushing, aggregate screening, and conveying of material likely to become airborne;

II.C.9.d Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Reasonable containment methods shall be employed during sandblasting, spray painting, or other similar operations;

II.C.9.e Covering all moving, open-bodied trucks transporting materials which may release fugitive dust;

II.C.9.f Conducting agricultural operations, such as tilling of land and the application of fertilizers, in such manner as to reasonably minimize fugitive dust;

II.C.9.g Maintenance and sealing of road-ways and parking lots so as to prevent the exposure of such surfaces to wind, water, or vehicular travel erosion; and

II.C.9.h Prompt removal of earth or other materials from paved streets which have been transported there by trucking, earth-moving equipment, erosion, or other means.

II.C.10 Except for persons engaged in agricultural operations or persons who can demonstrate to the Administrator that the best practical operation or treatment is being implemented, no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which the fugitive dust originates. [GAPCSR, Section 1103.4(b); SIP, Section 8.2]

II.D. Monitoring and Testing Requirements

II.D.1 The sulfur content of No. 6 fuel oil to be used in the diesel-electric generators (Units DEG-3 and DEG-4) shall be analyzed by the frequency and method described in 40 CFR 60.334(b)(1) and 60.335(d), respectively. The fuel analysis

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data shall be recorded and submitted to GEPA with the monthly report. [GEPA Permit GPA-696, Condition 15, Issued June 18, 1998]

- II.D.2 The permittee shall provide sampling and testing facilities at its own expense. The tests shall be conducted at the maximum expected operating capacity of the diesel-electric generators and GEPA may monitor the tests. For performance test purposes, sampling ports, platforms and access shall be provided by the permittee on the diesel exhaust systems in accordance with 40 CFR 60.8 (e). [GAPCSR, Section 1102.4; SIP, Sections 3.6(a), 3.9, and 4.1; USEPA PSD Permit GU 93-01, Condition X.C.3, Issued May 16, 1996]
- II.D.3 At least thirty (30) days prior to a performance test, the permittee shall submit a written performance test plan to GEPA and USEPA that describes the test date(s), duration, locations, and methods, source operation and other parameters that may affect test results. The permittee shall also arrange for an observer to be present at the test. Such a plan shall conform to USEPA guidelines including quality assurance procedures. A test plan or quality assurance plan that does not have the prior approval of GEPA or USEPA shall be grounds to invalidate any test and require a retest. [GAPCSR, Section 1102.4; USEPA PSD Permit GU 93-01, Condition X.C.2, Issued May 16, 1996; GEPA Permit GPA-696, Condition 22, Issued June 18, 1998]
- II.D.4 Within sixty (60) days after completion of the performance test, the permittee shall submit to GEPA and USEPA Regional Administrator, the test report which shall include the operating conditions of the equipment at the time of the test, the analyses of the fuel, the summarized test results, comparative results with the permit emissions limits, and other pertinent field and laboratory data. [GAPCSR, Section 1102.4; SIP, Section 4.2]
- II.D.5 For the diesel-electric generators (Units DEG-3 and DEG-4), the permittee shall conduct performance tests for NO_x, SO₂, CO, VOC, PM₁₀, and opacity to determine compliance with the maximum short-term emissions specified in this permit. The tests for NO_x, SO₂, CO, VOC, and PM shall be conducted on an annual basis, and at other times specified by GEPA or USEPA, at the maximum operating capacity of the facilities being tested. Upon written request from the permittee, the USEPA may approve the conducting of performance test at a lower specified production rate. [USEPA PSD Permit GU 93-01, Condition X.C.1, Issued May 16, 1996; GEPA Permit GPA-696, Condition 21, Issued June 18, 1998]
- II.D.6 Performance tests for the emissions of SO₂, NO_x, CO, VOC, PM₁₀, and opacity from the diesel-electric generators (Units DEG-3 and DEG-4) shall be conducted on an annual basis in accordance with the test methods set forth in 40 CFR 60.8 and Appendix A. The following test methods shall be used:

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II.D.6.a Performance test for the emissions of PM₁₀ shall be conducted using USEPA Methods 1-4 and 5 or 5B.

II.D.6.b Performance tests for the emission of SO₂ shall be conducted using EPA Methods 1-4 and 6C.

II.D.6.c Performance test for the emissions of NO_x shall be conducted using USEPA Methods 1-4 and 7E.

II.D.6.d Performance test for the emissions of CO shall be conducted using USEPA Methods 1-4 and 10

II.D.6.e Performance tests for the emission of VOC shall be conducted using EPA Methods 1-4 and 25A.

II.D.6.f Performance test for opacity shall be conducted using USEPA Method 9.

[USEPA PSD Permit GU 93-01, Condition X.C.2, Issued May 16, 1996; GEPA Permit GPA-696, Condition 20, Issued June 18, 1998]

II.D.7 Upon written request and justification by the permittee, GEPA or USEPA may waive the requirement for a specific annual source test. The waiver request is to be submitted at least sixty (60) days prior to the required test and must include documentation justifying such action. Documentation should include, but is not limited to, the results of the prior test indicating compliance by a wide margin, documentation of continuing compliance, and further that operations of the source have not changed since the previous source test. [USEPA PSD Permit GU 93-01, Condition X.C.1, Issued May 16, 1996; GEPA Permit GPA-696 Condition 21, Issued June 18, 1998; 40 CFR 60.334 and 60.335; GAPCSR, Section 1102.4]

II.D.8 The permittee shall install water meters and non-resetting fuel meters to continuously monitor and record the fuel consumption and the ratio of water-to-fuel being fired in the diesel-electric generators (Units DEG-3 and DEG-4). All information, including fuel sulfur content, fuel use, percent water in the fuel mixture, and hours of operation, shall be recorded in a permanent form suitable for inspection. [USEPA PSD Permit GU 93-02, Condition X.D.2, Issued May 16, 1996; GEPA Permit GPA-696, Condition 16, Issued June 18, 1998]

II.D.9 The permittee shall continuously monitor and record the operating load of the diesel-electric generators (Units DEG-3 and DEG-4). [GEPA Permit GPA-696, Condition 18, Issued June 18, 1998]

II.D.10 The permittee shall maintain and operate the following continuous monitoring systems (CEM) in the main stack for the diesel-electric generators (Units DEG-3

and DEG-4) [USEPA PSD Permit GU 93-01, Condition X.J.1, Issued May 16, 1996]:

II.D.10.a A continuous monitoring system to measure stack gas NO_x concentrations. The system shall meet USEPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60, Appendix B, Performance Specifications 2 and 3).

II.D.10.b A continuous monitoring system to measure stack gas volumetric flow rates. The system shall meet EPA performance specifications (40 CFR 52, Appendix E).

II.D.11 Excess emission indicated by the CEM shall be considered violations of the applicable emission limit for the purpose of this permit. [USEPA PSD Permit GU 93-01, Condition X.J.6]

II.D.12 The quality assurance project plan used by the permittee for the certification and operation of the continuous emissions monitors must meet the requirements of the USEPA document “Guidelines for Developing a Quality Assurance Project Plan” (QAMS 005/80). [USEPA PSD Permit GU 93-01, Condition X.J.7, Issued May 16, 1996]

II.E. Recordkeeping Requirements

II.E.1 The permittee shall maintain the following records for each diesel-electric generator (Units DEG-3 and DEG-4) and each boiler (Units Boiler 1 and Boiler 2) in a permanent form suitable for inspection [USEPA PSD Permit GU 93-01, Condition X.D.2, Issued May 16, 1996; GEPA Permit GPA-696, Conditions 6, 16, and 17, Issued June 18, 1998; SIP Section 4.2]:

II.E.1.a Operating load;

II.E.1.b Ratio of water-to-fuel;

II.E.1.c Fuel consumption

II.E.1.d Fuel sulfur content; and

II.E.1.e Hours of operation.

II.E.2 The permittee shall maintain a file of all measurements, including continuous monitoring systems evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; performance and all other information required by 40 CFR 60

recorded in a permanent form suitable for inspection. [USEPA PSD Permit GU 93-01, Condition X.J.3, Issued May 16, 1996; GAPCSR Section 1104.12(7)(H)]

II.E.3 The permittee shall maintain a log of the date and nature of all inspections and maintenance activities performed at the facility [GAPCSR Section 1104.12(12)].

II.E.4 All records, including support information, shall be maintained for at least five (5) years following the date of such records compiled in a permanent form suitable for inspection and made available to GEPA or their representative upon request. [GAPCSR, Section 1104.12(7)(H)]

II.F. Reporting Requirements

II.F.1 As required in Section II.K and in conjunction with the requirements of Section II.L of this permit the permittee shall report annually the total tons per year emitted of each regulated air pollutant, including hazardous air pollutants. The reporting of annual emissions is due within sixty (60) days following the end of the each calendar year. Upon the written request of the permittee, the deadline for reporting of annual emissions may be extended, if GEPA determines that reasonable justification exists for the extension. [GAPCSR, Section 1104.24(c)]

II.F.2 The permittee shall report in writing within thirty (30) days the modification, relocation, discontinuance of operation or dismantlement of the combustion turbine, the black start diesel generators, and the fuel oil storage tanks identified in Condition II.A.1 of this permit. [GAPCSR, Section 1104.5(a)]

II.F.3 The permittee shall submit to GEPA monthly summary reports indicating the amount of No. 6 fuel oil combusted and the operating load for the diesel-electric generators (Units DEG-3 and DEG-4) for the purpose of GEPA's Quarterly Emission Report. [Permit GPA-696, Conditions 17 and 18, Issued June 18, 1998]

II.F.4 The permittee shall provide a report to GEPA of the results of all monitoring and recordkeeping required by this permit at least once every six (6) months, starting from the date of issuance of this permit. [GAPCSR, Section 1104.12(7)(I); GEPA Permit GPA-696, Condition 6, Issued June 18, 1998]

II.F.5 The permittee shall submit a written report of all excess emissions from the diesel-electric generators (Units DEG-3 and DEG-4) to USEPA every calendar quarter. The report shall include the following [USEPA PSD Permit GU 93-01, Condition X.J.5, Issued May 16, 1996]:

II.F.5.a The magnitude of the excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, and the date and time of commencement and compilation of each time period of excess emissions.

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II.F.5.b Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunction of the engine exhaust systems. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted shall also be reported.

II.F.5.c The date and time identifying each period which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.

II.F.5.d When no excess emissions have occurred or the continuous monitoring system has not been imperative, repaired, or adjusted, such information shall be stated in the report.

II.F.5.e Excess emissions shall be defined as any 3-hour period during which the average emissions of NO_x, as measured by the CEM exceeds the maximum emission limits set forth in this permit.

II.F.6 For the diesel-electric generators (Units DEG-3 and DEG-4), the permittee shall report the date and time of all instances when the water-fuel ratio falls below 1:1 prior to performance testing in the monthly report. After initial performance testing, the permittee shall report the date and time of all instances when the water-to-fuel ratio drops below the ratio determined at the time of initial performance testing. For the purposes of this permit, all times when the water-to-fuel ratio falls below the value specified in the permit will be considered as times when the diesel-electric generators (Units DEG-3 and DEG-4) are operating in violation of the permitted applicable emission limit for NO_x. [GEPA Permit GPA-696, Condition 23, Issued June 18, 1998]

II.F.7 In the event of excess emissions or malfunction, the permittee shall notify GEPA within twenty-four (24) hours by telephone of such events. These events shall be followed with a submission of a written notice to GEPA within two (2) weeks from the date of occurrence. This notification shall include a description of the malfunctioning equipment or abnormal operations, the date and duration of failure, the magnitude of excess emissions, the cause of the failure, and the methods utilized to restore operations. [GEPA Permit GPA-696, Condition 24, Issued June 18, 1998]

II.G. Cabras-Piti Area Intermittent Control Strategy (CPAICS)

For the boilers (Units Boiler 1 and Boiler 2) and diesel-electric generators (Units DEG-3 and DEG-4), the permittee shall comply with all applicable requirements set forth in the “Cabras-Piti Area Intermittent Control Strategy, Island-Wind Power System, Cabras-Piti Complex (Fuel Switching Protocol)” issued by USEPA on July 2, 1993, with modification and reassurance dated August 15, 1997. [GEPA Permit GPA-696, Condition 3, Issued June 18, 1998]

II.H. Compliance Schedule

- II.H.1 For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [GAPCSR, Section 1104.8(b)(2)(A)]
- II.H.2 For applicable requirements which become applicable during the permit term, the source shall meet such applicable requirements on a timely basis. [GAPCSR, Section 1104.8(b)(2)(B)]

II.I. Compliance Certifications

- II.I.1 The compliance plan and compliance certification submittal requirements shall be in accordance with Sections 1104.8 and 1104.9 of the GAPCSR. The compliance certification shall be submitted to GEPA and the USEPA Regional Administrator once per year, or more frequently as set by any applicable requirement.
- II.I.2 During the permit term, the permittee shall submit at least annually to GEPA, a compliance certification pursuant to Section 1104.9 of the GAPCSR. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. [GAPCSR, Section 1104.9]

II.J. General Air Quality Protections

- II.J.1 The permittee shall not dispose of combustible material by open burning, or cause, suffer, allow, or permit open burning of combustible material within Guam, except as provided in Sections 1103.11 (b) through (e) of the GAPCSR. [GAPCSR, Section 1103.11; SIP, Section 6.1]
- II.J.2 Control of Odors in Ambient Air
- II.J.2.a The permittee shall not discharge or cause to be discharged into the atmosphere from any source whatsoever, such quantities of odorous emissions which is injurious to health, or is indecent or offensive to the senses, which affects at the same time an entire community or neighborhood, or any considerable number of persons, so as to unduly interfere with the comfortable enjoyment of life or property of such community, neighborhood or persons. It is a creation of a condition which causes injury to the public welfare. [GAPCSR, Section 1103.12(a); SIP, Section 11.1]
- II.J.2.b An odor occurrence shall be deemed a violation when a complaint is received by the Administrator and the Administrator is able to detect the odor. This detection must be verified by the Department of Public Health, Environmental Health Section for a person to be found in

violation of Subsection (a) of this Condition. [GAPCSR, Section 1103.12(b); SIP, Section 11.2]

II.J.2.c The odor of growing vegetation, and chemical fertilizers and insecticides when used properly, or when persons can demonstrate to the Administrator that the best practical operation or treatment is being implemented, shall not be considered objectionable for the purposes of this requirement. [GAPCSR, Section 1103.12(c); SIP, Section 11.3]

II.J.3 The permittee shall comply with the asbestos requirements of 40 CFR 61, Subpart M (as amended and incorporated in Section 1103.13 of the GAPCSR), including requirements for demolition and renovation projects. [GAPCSR, Section 1103.13]

II.K. Annual Emissions Reporting Requirements

II.K.1 The reporting period for annual emissions shall be from January 1 to December 31 of each calendar year. All reports shall be submitted to GEPA along with the annual fee due. The report shall be mailed to [GAPCSR, Section 1104.24(c)]:

**Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105**

II.K.2 The permittee shall retain the information submitted, including all emissions calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to GEPA upon request. [GAPCSR, Section 1104.12(7)(H)]

II.K.3 Any information submitted to GEPA without a request for confidentiality shall be considered public record. [GAPCSR, Section 1102.7]

II.K.4 The permittee may request confidential treatment of specific information by submitting a written request to the Administrator identifying the specific

information that is to be accorded confidential treatment. [GAPCSR, Section 1102.7(b)]

II.L. Fee Payment

- II.L.1 The permittee shall submit fees in accordance with GAPCSR, Sections 1104.21 through 1104.24. [GAPCSR, Section 1104.12(9)(K)]
- II.L.2 The permittee shall complete and submit the Annual Fee Calculation Worksheet, including all emissions calculations, with the required annual fee. The permittee shall make copies for future use. [GAPCSR, Section 1104.24(l)]
- II.L.3 Annual fees shall be paid in full: [GAPCSR, Section 1104.24 (a)]
- II.L.3.a Within sixty (60) days after the end of each calendar year;
- II.L.3.b Within thirty (30) days after permanent discontinuance of the air emission source.
- II.L.4 The permittee shall be assessed a Six Dollars (\$6.00) per ton per pollutant base rate of the total annual emission. However, the minimum annual fee due shall be Five Hundred Dollars (\$500.00) for each valid permit held during the prior calendar year; or Forty-Two Dollars (\$42.00) per month for any fraction of the year the permit is valid after the last calendar year for which annual fee was paid. [GAPCSR, Section 1104.24(g)]
- II.L.5 If any part of the annual fee is not paid within thirty (30) days after the due date, a late penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each calendar month during which part of the annual fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. [GAPCSR, Section 1104.25(b)]
- II.L.6 If any annual fee, including the late payment penalty required by the GAPCSR is not paid in full within thirty (30) days after the due date, the Administrator may terminate or suspend any or all of the owner or operator's air pollution control permit, after affording the opportunity for a hearing in accordance with Section 1104.19 or Section 1102.14 of the GAPCSR [GAPCSR, Section 1104.25(c)]
- II.L.7 The annual emissions data for which the annual fees are based shall accompany the submittal of any annual fees and submitted on forms furnished by GEPA. [GAPCSR, Section 1104.24(c)]
- II.L.8 Check payments shall be made payable to the Treasurer of Guam along with a notation that the funds be deposited into GEPA's Air Pollution Control Special Fund. [GAPCSR, Section 1104.21(d)]

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II.L.9 The annual fees and emissions data shall be mailed to [GAPCSR, Section 1104.24]:

**Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105**

III. Engine NSPS Requirements

The requirements of this section of the permit apply to the 800 kW emergency standby compression ignition (CI) internal combustion engine (ICE), Unit STDBYG.

III.A. Emission Limits

III.A.1 Emissions from Unit STDBYG shall not exceed the limits in the following table [40 CFR 60.4025(a), 40 CFR 60.4215(a)]:

Pollutant	HC	NO_x	CO	PM
Emission limit in g/kW-hr	1.3	9.2	11.4	0.54
Emission limit in g/hp-hr	1.0	6.9	8.5	0.40

III.A.2 The permittee must operate and maintain Unit STDBYG according to the manufacturer's written instructions or procedures developed by the permittee that are approved by the engine manufacturer, over the entire life of the engine. In addition, the permittee may only change those settings that are permitted by the manufacturer. [40 CFR 60.4026, 40 CFR 4211(a)]

III.B. Compliance Requirements

III.B.1 Stationary CI ICE that are used in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands are not required to meet the fuel requirements in 40 CFR 60.4207. [40 CFR 60.4215(b)]

III.B.2 The permittee shall install a non-resettable hour meter on Unit STDBYG [40 CFR 60.4209]

III.B.3 The permittee shall demonstrate compliance with Condition III.A.1 according to one of the methods specified below [40 CFR 60.4211(b)]:

III.B.3.a Purchasing an engine certified according to 40 CFR Part 89 or 40 CFR Part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

III.B.3.b Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.

III.B.3.c Keeping records of engine manufacturer data indicating compliance with the standards.

III.B.3.d Keeping records of control device vendor data indicating compliance with the standards.

III.B.3.e Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in 40 CFR §60.4212, as applicable.

III.B.4 Unit STDBYG may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of this unit is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition USEPA for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under 40 CFR §60.4205 but not 40 CFR §60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited. [40 CFR 60.4211(e)]

III.C. NSPS General Provisions

The permittee shall comply with the applicable provisions of the NSPS General Provisions found in 40 CFR Part 60, Subpart A as identified in the following table [40 CFR 60.4218]:

General Provisions citation	Subject of citation	Applies	Explanation
§60.1	General applicability of the General Provisions	Yes	
§60.2	Definitions	Yes	Additional terms defined in 40 CFR §60.4219.
§60.3	Units and abbreviations	Yes	
§60.4	Address	Yes	
§60.5	Determination of construction or modification	Yes	

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General Provisions citation	Subject of citation	Applies	Explanation
§60.6	Review of plans	Yes	
§60.7	Notification and Recordkeeping	No	This only applies to non-emergency engines as specified in §60.4214(a).
§60.8	Performance tests	No	This only applies to stationary CI ICE with a displacement of ≥ 30 liters per cylinder and engines that are not certified. Units STDBYG is certified to meet the applicable emission limits.
§60.9	Availability of information	Yes	
§60.10	State Authority	Yes	
§60.11	Compliance with standards and maintenance requirements	No	Requirements are specified in 40 CFR Part 60, Subpart IIII.
§60.12	Circumvention	Yes	
§60.13	Monitoring requirements	No	This only applies to stationary CI ICE with a displacement of ≥ 30 liters per cylinder.
§60.14	Modification	Yes	
§60.15	Reconstruction	Yes	
§60.16	Priority list	Yes	
§60.17	Incorporations by reference	Yes	
§60.18	General control device requirements	No	
§60.19	General notification and reporting requirements	Yes	

IV. Title V Administrative Requirements

IV.A. Blanket Compliance Statement

The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the GAPCSR and, for all federally enforceable terms and conditions, the CAA, and is grounds for enforcement action, permit termination, suspension, reopening, or amendment, or for denial of a permit renewal application. Permit noncompliance shall be subject to the penalties and remedies provided for in Section 49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA. [GAPCSR, Section 1104.12(9)(A) and 1102.12; SIP, Section 4.4]

IV.B. Duty to Provide and Supplement Information

The permittee shall furnish, in a timely manner, any information or record requested in writing by GEPA to determine whether cause exists for terminating, suspending, reopening, or amending the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to GEPA copies of records required to be kept by the permit. For information claimed confidential, the permittee shall furnish such records to GEPA with a claim of confidentiality. [GAPCSR, Section 1104.12(9)(H)]

IV.C. Submissions

Any document (including reports, compliance plans and compliance certifications) required to be submitted by this permit shall be certified by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete in accordance with 1102.3 and shall be mailed or forwarded to the following address [GAPCSR, Sections 1102.3 and 1104.12(9)(L); USEPA PSD Permit GU 93-01, Condition XI, Issued May 16, 1996; GEPA Permit GPA-696, Condition 5, Issued June 18, 1998]:

**Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105**

IV.D. Severability Clause

If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and remain valid. [GAPCSR, Section 1104.12(9)(B)]

IV.E. Circumvention

The permittee shall not cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these regulations. This provision does not prohibit recycling, burning as fuel or otherwise further processing material which would violate an emission regulation if released to the atmosphere, so long as the facility in which that material is used does not violate applicable emission regulations. [SIP, Section 17.2]

IV.F. Permit Actions

This permit will be revoked if the Agency finds willful or continued violations of the standards and regulations. [GAPCSR, Sections 1104.12(9)(A), 1104.18(a)(4), and 1104.18(b)(3); SIP, Section 3.7(c); GEPA Permit GPA-696, Condition 27, Issued June 18, 1998]

IV.G. Reopening for Cause

This permit may be terminated, suspended, reopened, or amended for cause pursuant to Section 1104.18 of the GAPCSR, after affording the permittee an opportunity for a hearing in accordance with Section 1102.14 or 10 GCA 49111. [GAPCSR, Section 1104.12(9)(D)]

IV.H. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege. [GAPCSR, Section 1104.12(9)(E)]

IV.I. Inspection and Entry

The permittee shall allow GEPA, the Regional Administrator for the USEPA and/or an authorized representative, upon presentation of credentials or other documents required by law:

IV.I.1 To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit and inspect at reasonable times all facilities, equipment, practices, operations, or records covered under the terms and conditions of the permit and request copies of records or copy records required by the permit; and

IV.I.2 To sample or monitor at reasonable times substances or parameters to assure compliance with the permit or applicable requirements. [GAPCSR, Section 1104.12(9)(M)]

IV.J. Emergency Provisions

IV.J.1 In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate to the Administrator the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

IV.J.1.a An emergency occurred and the permittee can identify the cause(s) of the emergency;

IV.J.1.b The permitted facility was at the time being properly operated;

IV.J.1.c During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations or other requirements in this permit; and

IV.J.1.d The permittee submitted notice of the emergency to the Administrator within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the prompt reporting of deviations pursuant to Section 1102.9 of the GAPCSR. [GAPCSR, Sections 1104.17(a) and 1104.1(c)]

IV.J.1.e In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof. [GAPCSR, Section 1104.17(b)]

IV.K. Transfer of Ownership or Operation

IV.K.1 This permit is not transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another. [GAPCSR, Section 1104.4(c); SIP Section 3.8]

IV.K.2 This permit shall not be transferable, whether by operation of law or otherwise, from person to person without the approval of the Administrator. [GAPCSR, Section 1104.4(d); SIP Section 3.8]

IV.K.3 In the event of any changes in control or ownership of facilities to be operated or modified, the resulting modification of this permit shall be made as an administrative amendment pursuant to Section 1104.20 of the GAPCSR. [GAPCSR, Section 1104.20]

IV.K.4 In the event of any changes in control or ownership of facilities to be constructed or modified, this permit shall be binding on all subsequent owners and operators. The applicant shall notify the succeeding owner and operator of the existence of this permit and its conditions by letter, a copy of which shall be forwarded to USEPA and to GEPA. [USEPA PSD Permit GU 93-01, Condition VI, Issued May 16, 1996]

IV.L. Permit Expiration and Renewal

IV.L.1 This permit is issued for a fixed term of five years from the date of issuance. [GAPCSR, Section 1104.11; SIP Section 3.1(b)(4)]

IV.L.2 Application for permit renewal shall be submitted no more than eighteen (18) months prior to the date of permit expiration. Application for permit renewal shall be submitted no later than six (6) months prior to the date of permit expiration. Late applications shall be subject to penalties pursuant to Section 1104.25 of the GAPCSR. [GAPCSR, Section 1104.6(d); SIP Section 3.1(b)(4)]

IV.L.3 This permit shall remain valid past the expiration date and the air pollution emission source shall not be in violation for failing to have an air pollution control permit, until the Administrator has issued or denied the renewal of the air pollution control permit, provided [GAPCSR, Section 1104.2(d)]:

IV.L.3.a A complete renewal application has been submitted and the owner or operator acts consistently with the permit previously granted, and the application on which it was based, and all plans, specifications, and other information submitted as part of the application; and

IV.L.3.b The owner or operator has submitted to the Administrator within the specified deadlines, all requested additional information deemed necessary to evaluate or take final action on the renewal application as described in Section 1104.6 of the GAPCSR.

IV.M. Permit Modifications

IV.M.1 Applications for modification of this permit are subject to the same requirements as the initial application including all requirements pursuant to Section 1104.6 (c) of the GAPCSR. The permittee shall submit a description of the modification, identifying all proposed changes, including any changes to the source operations, work practices, equipment design, source emissions, or any monitoring, record keeping, and reporting procedures. Each change from the permit application for this permit shall be identified on the application for the permit modification. [GAPCSR, Section 1104.6(f)]

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IV.M.2 Any request or proposal for modification of the conditions applicable to this permit must be directed to both the Administrator of GEPA, and the Regional Administrator of USEPA, Region IX, concurrently. [GEPA Permit GPA-696, Condition 4, Issued June 18, 1998]

IV.N. Malfunction

IV.N.1 Except for emergencies which result in noncompliance with any technology-based emission limitation in accordance with Section 1104.17 of the GAPCSR, in the event any emission unit, air pollution control equipment, or related equipment breaks down in such a manner as to cause the emission of air pollutants in violation of GAPCSR, or this permit, the permittee shall immediately notify, within twenty-four (24) hours, GEPA of the failure or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the failure or breakdown and makes such notification infeasible. In the latter case, the notice shall be provided as soon as practicable. The submittal of these notices shall not be a defense to an enforcement action. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information [GEPA Permit GPA-696, Condition 24, Issued June 18, 1998]:

IV.N.1.a Identification of emission points;

IV.N.1.b Magnitude of the excess emissions;

IV.N.1.c Time and duration of the excess emissions;

IV.N.1.d Identity of the process or control equipment causing the excess emissions;

IV.N.1.e Cause and nature of the excess emissions;

IV.N.1.f Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the breakdown does not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and Guam ambient air quality standards;

IV.N.1.g Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and

IV.N.1.h A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

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IV.N.2 For malfunctions of Units DEG-3 and DEG-4: USEPA shall be notified by telephone within 48 hours following any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner which results in an increase in emissions above any allowable emissions limit listed in this permit that is derived from PSD Permit GU 93-01. In addition, USEPA shall be notified in writing within fifteen (15) days of any such failure. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial failure, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant excess emissions, and the methods utilized to restore normal operations. Compliance with this malfunction notification provisions shall not excuse or otherwise constitute a defense to any violations of this permit or of any law or regulations which such malfunction may cause. [USEPA PSD Permit GU 93-01, Condition IV]

IV.O. Agency Notifications

IV.O.1 The permittee shall notify GEPA in writing of the following dates:

IV.O.1.a The anticipated date of initial start-up for each emission unit of a new source or significant modification not more than sixty (60) days or less than thirty (30) days prior to such date.

IV.O.1.b The actual date of construction commencement within fifteen (15) days after such date.

IV.O.1.c The actual date of start-up within fifteen (15) days after such date. [GAPCSR, Section 1104.12(9)(G)]

IV.O.2 The permittee shall notify GEPA in writing, of the intent to shut down air pollution control equipment for necessary scheduled maintenance at least twenty-four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:

IV.O.2.a Identification of the specific equipment to be taken out of service, as well as its location and permit number;

IV.O.2.b The expected length of time that the air pollution control equipment will be out of service;

IV.O.2.c The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;

IV.O.2.d Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and

IV.O.2.e The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period. [GAPCSR, Section 1102.8; SIP, Section 4.3]

IV.O.3 A copy of applicable correspondence or records submitted to GEPA shall be provided to the USEPA pursuant to Section 1104.15 of the GAPCSR. [GAPCSR, Section 1104.12(9)(I)]

IV.O.4 Within thirty (30) days of permanent discontinuance of the operation, modification, relocation, or construction of any of the above units, the responsible official shall report the discontinuance in writing to the Administrator. [GAPCSR, Section 1104.5(a)]

IV.P. Miscellaneous Conditions

IV.P.1 Unless specifically identified, the terms and conditions contained in this permit are consistent with the applicable requirement on which each term or condition is based. [Section 49107(7)(c)(2) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

IV.P.2 This permit, or a copy thereof, shall be maintained at or near the source for which this permit was issued and shall be made available for inspection upon request. [GAPCSR, Section 1104.4(a); SIP, Section 3.12]

IV.P.3 This permit shall not be willfully defaced, altered, forged, counterfeited, or falsified. [GAPCSR, Section 1104.4(b); SIP, Section 3.13]

IV.P.4 The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for this permit. There shall be no deviation from this permit condition unless additional or revised plans are submitted to and approved by GEPA, and the permit is amended to allow for such deviation. [GAPCSR, Section 1104.12(12)]

IV.P.5 This permit (a) does not release the permittee from compliance with other applicable statutes of Guam, or with applicable local or federal laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the source. [GAPCSR, Sections 1104.2(e) and 1104.12(11); USEPA PSD Permit GU 93-01, Condition VIII; GEPA Permit GPA-696, Condition 28]

IV.P.6 The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit. [GAPCSR, Section 1104.12(9)(C)]

- IV.P.7 The filing of a request by the permittee for a permit termination, suspension, reopening, or amendment, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [GAPCSR, Section 1104.12(9)(D)]
- IV.P.8 This permit shall become invalid with respect to any authorized construction if construction is not commenced as follows:
- IV.P.8.a Within thirty (30) days of permanent discontinuance of the construction, modification, relocation or operation of any permitted air pollution emission source, the responsible official shall report the discontinuance in writing to the Administrator.
- IV.P.8.b For phased construction projects, each phase shall commence construction within eighteen (18) months of the projected and approved commencement dates in the permit. [GAPCSR, Sections 1104.5(b), 1104.5(c), and 1104.12(9)(F)]
- IV.P.9 GEPA may extend the time periods specified in Condition IV.P.8 of this permit upon a satisfactory showing that an extension is justified. Request for an extension shall be submitted in writing to GEPA. [GAPCSR, Section 1104.5(d)]
- IV.P.10 The permittee may request confidential treatment of any records in accordance with Section 1102.7 of the GAPCSR. [GAPCSR, Section 1104.12(9)(J)]
- IV.P.11 The terms and conditions included in this permit, including any provision designed to limit a source's potential to emit, are federally enforceable unless such terms, conditions, or requirements are specifically designated as not federally enforceable. [GAPCSR, Section 1104.14]